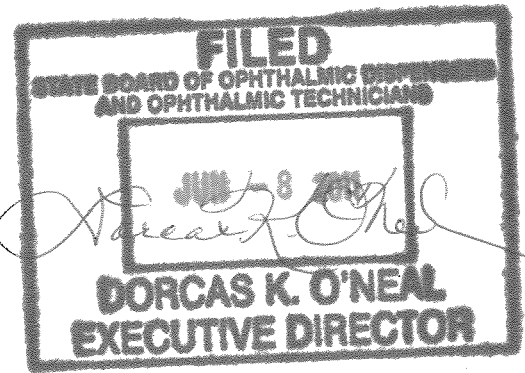


PAULA T. DOW
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
124 Halsey Street
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Newark, New Jersey 07101
Attorney for the State Board of Ophthalmic
Dispensers and Ophthalmic Technicians

By: Susan C. Berger
Deputy Attorney General
Tel.: (973) 648-4876



STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF EXAMINERS OF OPHTHALMIC
DISPENSERS AND OPHTHALMIC
TECHNICIANS

IN THE MATTER OF THE LICENSE OF:

CESAR PAJARES

License No. 31TD00313500

TO PRACTICE OPHTHALMIC
DISPENSING IN THE STATE OF
NEW JERSEY

: ADMINISTRATIVE ACTION

: CONSENT ORDER

:

:

This matter was opened to the New Jersey State Board of Examiners of Ophthalmic Dispensers and Ophthalmic Technicians (the "Board") upon the review of documentation that on August 19, 2009 Cesar Pajares (respondent) plead guilty to aggravated criminal sexual contact and was sentenced on January 10, 2010 to three years of incarceration, entirely suspended provided he complies with all of the terms of parole supervision, \$1,355.00 in criminal court assessments, ordered to have no contact with the victim and registered as a sex offender.

On May 10, 2011 respondent appeared with counsel, Rem Zeller Law Group, by James B. Seplowitz, Esq., before the Board to discuss his criminal history and practice as an ophthalmic dispenser. Respondent testified that he plead guilty to aggravated criminal sexual contact and admitted that he intentionally touched his stepdaughter's breasts and vagina under her clothing for the purpose of degrading or humiliating her or to sexually arouse or sexually gratify himself. The physical contacts occurred between September 1, 2005 and January 5, 2009 when his stepdaughter was between the ages of thirteen (13) and sixteen (16) years old. Respondent testified that immediately after he was arrested on February 28, 2009, he underwent a psychological evaluation and began therapy. He stated that he is very remorseful about his conduct and is motivated through his treatment to becoming a stronger, healthier person. Respondent maintained that he understands that his misconduct hurt many people and that he is committed to not hurting other individuals in the future. Respondent advised the Board that he is divorced from his wife, resides separately from his stepdaughter and is not permitted to have any contact with his stepdaughter or her family.

Respondent was sentenced on January 22, 2010 in Bergen County Superior Court (Indictment No. A-1436-09) to a three year term of incarceration that was suspended, with seven (7) days jail time credit, parole supervision for life and was registered as a sex offender. In addition he is required to remain in psychological

counseling, prohibited from participating in any internet social network and assessed restitution to the Victim Crimes Compensation Organization to pay for psychological counseling for his stepdaughter. Respondent submitted documentation from his therapist stating that he has been compliant with his treatment plan and is being monitored by his family and the therapist, is engaging in positive hobbies and is managing his stress levels.

Respondent testified that since March 12, 2009 he was been working as an ophthalmic dispenser at Cliffside Park Eye Associates, 740 Anderson Avenue, Cliffside Park, New Jersey 07010. His employer submitted a letter in support of respondent stating that respondent manages and supervises a staff of fourteen (14) employees and has superb people skills. The Board has not received any complaints about respondent's professional conduct. Respondent truthfully reported in his 2010 renewal application that he had been arrested and/or convicted of a crime or offense.

The Board having considered respondent's testimony, as well as all relevant documents submitted, and finding that the within Order is adequately protective of the public health, safety and welfare,

IT IS ON THIS 8th DAY OF June, 2011

HEREBY ORDERED AND AGREED THAT:

1. Respondent is reprimanded for having been convicted of a crime involving moral turpitude or relating adversely to the profession of ophthalmic dispensing, in violation of N.J.S.A. 45:1-21(f).

2. Respondent shall be precluded from practicing as an ophthalmic dispenser in any location other than at Cliffside Park Eye Associates, 740 Anderson Avenue, Cliffside Park, New Jersey 07010, unless and until the Board issues a subsequent order permitting him to practice in another location. Respondent's employer shall sign a copy of the within Order acknowledging that he or she has read the Order and will comply with the requirements of the Order.

3. Respondent shall be required to have a chaperone present when he engages in any business transactions, including but not limited to ophthalmic sales and dispensing, at Cliffside Park Associates, when children under eighteen (18) years old are present. The chaperone shall be present throughout the entire patient encounter and maintain a clear line of sight to the child. The chaperone shall initial the patient record next to the appropriate notation to certify that he or she was present for the entire patient encounter. The chaperone shall be pre-approved by the Board and shall sign a copy of this Order. Respondent may have more than one individual approved as a chaperone. The chaperone(s) shall report to the Board in writing on a quarterly basis all information in his or her possession concerning respondent's professional behavior and interaction with children.

4. Respondent shall undergo a complete psychological evaluation within thirty (30) days of the filing of the within Consent Order and shall provide the Board and the Attorney General

with documentation confirming the scheduling of this evaluation. Respondent shall ensure that the evaluation is completed within three (3) months of the filing of the within Order and the psychological evaluator shall submit the report directly to the Board, with a copy to respondent. The psychological evaluator shall sign a copy of the within Consent Order stating that psychological evaluator has read the within Order and considered the within Order. The evaluator's report shall include a current risk assessment, recommendations for additional treatment or restrictions, review respondent's compliance with treatment since the initial evaluation (dated March 26, 2009) and assess respondent's current fitness to practice ophthalmic dispensing.

5. Respondent shall fully and satisfactorily comply with all recommendations of the psychological evaluation.

6. Respondent shall remain in therapy with his current therapist(s), or with another therapist pre-approved by the Board who is experienced in dealing with professionals who have committed sexual violations. Respondent shall undergo therapy until further Order of the Board. Initially respondent shall meet with his therapist(s) at a minimum of once per week. After the filing of the second yearly report with the Board and a minimum of two years after the filing of the within Consent Order, frequency of the sessions may be decreased at the discretion of the treating therapist(s) upon written notification to the Board detailing and explaining the basis for decreasing the number of sessions per

month and receipt of approval by the Board. Unilateral cessation of therapy by respondent shall constitute a violation of this Order. The therapist shall immediately (within 3 days) report to the Board in writing if respondent unilaterally ceases therapy or if treatment ceases for any other reason. In the event respondent ceases therapy with his current therapist or a Board approved therapist, respondent shall notify the Board in writing within three (3) days of cessation of treatment with the reasons and shall submit the credentials of an alternative therapist to the Board for pre-approval of the therapist within ten (10) days thereafter.

7. The therapist shall sign a copy of the within Order and shall report to the Board in writing on a yearly basis all information in his or her possession concerning respondent's compliance with the terms of this Order, respondent's professional behavior and progress in therapy, including a discussion of respondent's ability to deal with sexual, ethical and boundary issues.

8. The chaperone, therapist and employer shall immediately (within forty-eight [48] hours of occurrence) report to the Board orally and in writing any violations of this Order, any boundary or sexual violations, or failure to cooperate with the chaperone or therapy requirements.

9. Respondent shall immediately (within 3 days) notify the Board, in writing, of any change in employment, including periods when he is unemployed. In the event, the Board approves additional

or subsequent employment at another location, the new or additional employer and/or chaperone must sign a copy of the within Order.

10. Respondent shall provide his written consent authorizing his psychological evaluator, chaperone(s), therapist(s), employer, the Board and the Attorney General to provide information to each other concerning his behavior and progress.

11. Respondent shall ensure that the Board receives quarterly reports from his chaperone(s) and yearly reports from his therapist(s). Respondent shall take all reasonably necessary actions to assure the cooperation of the chaperone(s), therapist(s) and his employer with the Board and the Attorney General.

12. Respondent hereby waives any claim of privilege or confidentiality he may have with regard to any information that the psychological evaluator, chaperone(s) or therapist(s) or employer may provide under the provisions of this Order to the Board or the Attorney General, and agrees that such information may be utilized in any proceeding regarding his license.

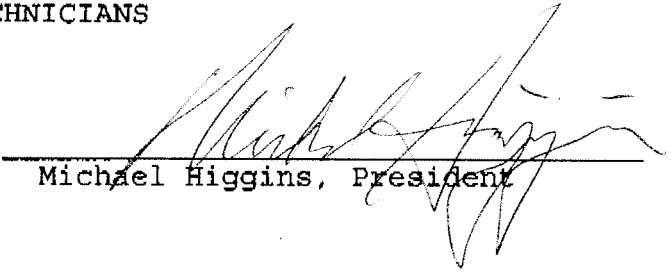
13. Respondent shall pay civil penalties in the amount of five thousand dollars (\$5,000.00), entirely stayed providing that respondent complies with all of the terms of this Consent Order.

14. Upon any application for relaxation or termination of the requirements of this Order, respondent shall appear before the Board prior to the removal of any of the requirements set forth in the within Order, if so requested by the Board, at which time the


burden shall be on respondent to demonstrate compliance with the within Order and the basis for removing any of the requirements of the within Order.

15. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of ophthalmic dispensing in this State or any other State.

NEW JERSEY STATE BOARD OF EXAMINERS OF
OPHTHALMIC DISPENSERS AND OPHTHALMIC
TECHNICIANS

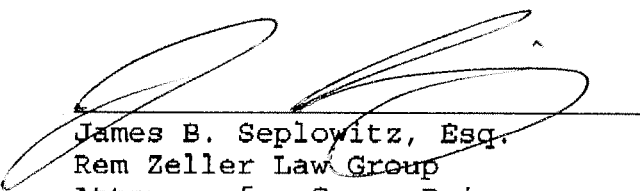
By: 
Michael Higgins, President

I have read and I understand
this Consent Order and agree to
be bound by its terms. I consent
to the entry of this Order.


Cesar Pajares

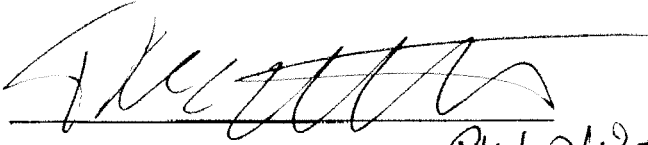
6/7/, 2011
Date

Consent as to form and entry of this Order:


James B. Sepowitz, Esq.
Rem Zeller Law Group
Attorney for Cesar Pajares

PSYCHOLOGICAL EVALUATOR

I have read the within Order and agree to provide an evaluation to the Board as provided in this Order.


(Print name of signator) Philip Witt, PhD

Name of Psychological Evaluator

License # 1305

Dated: 6/23, 2011

Address: 25 N. Doughty Ave, Somerville, NJ
Telephone # 908-526-1177 x22
(including area code and extension number)

THERAPIST

I have read the within Order and agree to provide psychotherapy to Cesar Pajares and to submit reports to the Board as provided in the within Order.


(Print name of signator) Mary Jane Carlin, PhD, LPC

Name of Therapist

License # PC0432

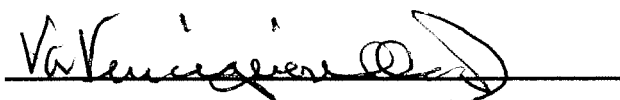
Dated: 6/6, 2011

Address: Associates in Psychological Services, 25 N. Doughty Ave
Telephone # Somerville, NJ 08876
(including area code and extension number)

908-526-1177 x45

EMPLOYER

I have read the within Order and agree to comply with the requirements of this Order applicable to the employer.


(Print name of signator) Dr. Van Vuciguer

Name of Employer DR. VAN VUCIGUER, PhD

License # 4306

Dated: 6/4, 2011

Address: 740 Anderson Ave - Cliffside Park, NJ

Telephone # (201) 313-0303

(including area code and extension number)

CHAPERONE

I have read the within Order. I agree to the monitoring and reporting requirements in this Order.

Van Vucigera

Print Name of Chaperone VAN VUCIGERA

Address: 740 Anderson Ave - CSP, NJ 07010

Telephone Number (201) 313-0307

Dated: 6/4, 2011

License No. NJ 4306